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AP / 1761

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of

Docket No: Q67421

Hiroyasu KUMAMOTO, et al.

Appln. No.: 10/006,137

Group Art Unit: 1761

Confirmation No.: 1724

Examiner: Leslie A. Wong

Filed: December 10, 2001

For: WARMING COMPOSITION FOR FOOD AND DRINK OR FOR ORAL CARE

PREPARATION

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

- 1. World Patent No. 98/47483, published October 29, 1998.
- 2. United Kingdom Patent Application No. 824 680, published December 2, 1959.
- 3. Switzerland Patent No. 84 705, published April 1, 1920.
- 4. European Patent Application Publication No. 1 121 927, published August 8, 2001.
- 5. U.S. Patent No. 5,545,424 issued August 13, 1996.

Hiroyasu KUMAMOTO et al. 10/006,137

INFORMATION DISCLOSURE STATEMENT

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant is filing concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

The present Information Disclosure Statement is being filed thirty days or fewer from the communication from a foreign patent office and a Statement Under 37 C.F.R. §1.704(d) is attached.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding European Search Report dated February 26, 2004, citing such documents and indicating the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

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Hiroyasu KUMAMOTO et al. 10/006,137 INFORMATION DISCLOSURE STATEMENT

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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Date: March 24, 2004

Substitute for Form 1449 A & B/PTO			IPE	Complete if Known			
			\0,, e?	Application Number	10/006,137		
INFO	RMATION I	DISCLOS	URE S	Confirmation Number	1724		
STAT	EMENT BY	APPLIC	ANAR 2 4 2004 6	Filing Date	December 10, 2001		
				First Named Inventor	Hiroyasu KUMAMOTO		
(use as many sheets as necessary				Art Unit	1761		
			TRADENA	Examiner Name	Leslie A. Wong		
Sheet	1	of	1	Attorney Docket Number	Q67421		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Document Number		Publication Date		
		Number	Kind Code ² (if known)	MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		US 5,545,424	Α .	08/13/1996	Nakatsu et al.	
		US				
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FOREIGN PATENT DOCUMENTS							
Examiner Cite No.1	Cite	Foreign Patent Document			Publication Date	Name of Patentee or	
	No.1	Country Code ³	Number ⁴	Kind Code ⁵ (if known)	MM-DD-YYYY	Applicant of Cited Document	Translation ⁶
		WO	98/47483	A1	10/29/1998	The Proctor & Gamble Company	
		GB	824 680	A	12/02/1959	Merck & Co., Inc.	
		СН	84 705	A	04/01/1920	Stolz Philipp	
		EP	1 121 927	A2	08/08/2001	Takasago International Corporation	
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NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.				
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Examiner Signature		D.	ate Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.



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STATEMENT UNDER 37 C.F.R. § 1.704(d)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

Registration No. 32,607

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 24, 2004